



18 AUG 2006

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In re Application of:	:	
SATO, Norikazu, et al.	:	
Application No.: 10/505,408	:	DECISION
PCT No.: PCT/JP02/06545	:	
Int. Filing Date: 28 June 2002	:	
Priority Date: 26 February 2002	:	
Attorney Docket No.: None	:	
For: MULTI-DISPLAY APPARATUS	:	

This decision is issued in response to the correspondence submitted by co-applicant Norikazu SATO on 24 May 2006, treated herein as a petition under 37 CFR 1.181 to vacate the fee requirements set forth in the Notification Of Insufficient Fees mailed 29 March 2006. No petition fee is required.

BACKGROUND

On 28 June 2002, applicants filed international application PCT/JP02/06545. The international application claimed a priority date of 26 February 2002, and it designated the United States. On 04 September 2003, the International Bureau (IB) communicated a copy of the international application to the United States Patent And Trademark Office (USPTO). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 26 August 2004.

On 24 August 2004, applicant Norikazu SATO filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 24 October 2004, applicant Norikazu SATO filed a translation of the international application into English and the \$130 processing fee for filing the English translation later than thirty months after the priority date.

On 29 March 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Insufficient Fees (Form PCT/DO/EO/923) requiring submission of additional claims fees of \$180 and a \$65 surcharge for "late submission of filing fee, search fee, examination fee or oath or declaration."

Also on 29 March 2006, the USPTO issued a filing receipt that identified only one applicant herein (Norikazu SATO).

On 24 May 2006, applicant Norikazu SATO filed a letter requesting clarification regarding the fees required by the Notification Of Insufficient Fees mailed 29 March 2006.

DISCUSSION

The Notification Of Insufficient Fees mailed 29 March 2006 indicates that applicants are required to pay an additional claim fee of \$180 and a \$65 surcharge for "late submission of filing fee, search fee, examination fee or oath or declaration." The requirement of the additional \$180 claims fee is appropriate, as this amount represents the proper small entity fee for inclusion of a multiple dependent claim and the present application contains multiple dependent claims. However, the \$65 surcharge requirement is inappropriate because applicant submitted the required basic national fee and the executed declaration on 24 August 2004, prior to the expiration of the thirty month deadline.

Based on its inclusion of the inappropriate surcharge requirement The Notification Of Insufficient Fees mailed 29 March 2006 is appropriately vacated. However, payment of the \$180 fee for inclusion of a multiple dependent claim (or an amendment removing the multiple dependent claim) is still required.

In addition, a review of the application file reveals that the declaration filed by applicants on 24 August 2004 is defective in that an English translation of language contained therein has not been provided. Specifically, an English translation of the application title listed in the declaration and the inventors' names, addresses, and citizenship listed therein has not been provided (see 37 CFR 1.69(b)). Applicants must provide a certified translation of the untranslated portions of the declaration before the declaration can be accepted.

Finally, applicants should note that communications filed in the USPTO must be executed by a registered agent or by all applicants (see 37 CFR 1.33(b)). Thus, correspondence such as the letter filed 24 May 2006 and signed only by co-applicant Norikazu SATO, is considered an improperly signed communication. All further submissions by applicants must be properly executed under 37 CFR 1.33(b) (i.e., signed by both applicants or by a registered attorney or agent).

CONCLUSION

The petition under 37 CFR 1.181 is **GRANTED** to the extent set forth herein.

Based on the inclusion of the unnecessary \$65 surcharge requirement, the Notification Of Insufficient Fees (Form PCT/DO/EO/923) mailed 29 March 2006 is hereby **VACATED**.

The filing receipt mailed 29 March 2006, which incorrectly identified Norikazu SATO as the sole applicant and was issued prematurely (i.e., prior to the mailing of a Notification Of Acceptance), is hereby **VACATED**.

Applicants have **TWO (2) MONTHS** from the mail date of the present communication to submit: (1) \$180 as the small entity fee for inclusion of a multiple dependent claim (or, in the alternative, a proper amendment of the claims that removes all multiple dependent claims), and

(2) an English translation of the untranslated portions of the declaration filed 24 August 2004 (i.e., the application title, and the inventors' names, addresses, and citizenship), as required by 37 CFR 1.69(b).

Extensions of time are available under 37 CFR 1.136(a). Failure to file a timely and proper response will result in abandonment of the application.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

A handwritten signature in black ink, appearing to read 'RMR', followed by a large, stylized capital letter 'R'.

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